

In the  
Indiana Supreme Court



IN THE MATTER OF )

APPROVAL OF LOCAL RULES )

FOR CLAY COUNTY )

Cause No. 11S00-1001-MS- //

ORDER RE-APPROVING CASELOAD ALLOCATION PLAN

Pursuant to Ind. Administrative Rule 1, the Judges of the Clay County Circuit and Superior Courts, request this Court to re-approve their caseload allocation plan based upon their revalidation of the plan, and pursuant to Ind. Trial Rule 79, to approve an amendment to their local rule concerning the assignment of special judges in civil cases.

And this Court being duly advised, now finds that the caseload allocation plan for Clay County should be re-approved and the amendment to Local Rule LR11-TR79-01 should be approved.

IT IS, THEREFORE, ORDERED by this Court, based upon revalidation by the Clay County Judges, that the Clay County caseload allocation plan is re-approved and the amendment to LR72-AR1-4 is approved.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Joseph Trout, Clay Circuit Court, 609 East National Avenue, Brazil, IN 47834-2659; the Hon. J. Blaine Akers, Clay Superior Court, 609 East National Avenue, Brazil, IN 47834-2659 and to the Clerk of the Clay Circuit Court. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Clay Circuit Court is directed to enter this Order in the Record of Judgments and Orders for the Courts, to post this Order for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 6<sup>th</sup> day of January, 2010.

RT Shepard

Randall T. Shepard  
Chief Justice of Indiana

**LR11-TR79-01      Selection of a Special Judge Pursuant to TR 79(H)**

**(A)      Cases involving a change of judge**

In the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the regular sitting judge shall name a panel pursuant to TR 79(F) consisting, whenever possible, of the other regular sitting judge from Clay County and senior judges serving the court needing the special judge. If a sufficient number of Clay County judges and senior judges does not exist, then a panel shall be named including the available Clay County judges and senior judges serving the court needing the special judge, and judges or magistrates from counties within the Judicial Administrative District of which Clay County is a member.

If none of the above methods produce a special judge, the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list of judges or magistrates eligible under Trial Rule 79(J) from counties within the Judicial Administrative District of which Clay County is a member.

In cases in which no judge is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.

**(B)      Cases involving recusal or disqualification of a judge**

In the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list of judges or magistrates eligible under Trial Rule 79(J) from counties within the Judicial Administrative District of which Clay County is a member.

In cases in which no judge is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.